

FILED 10 JAN 12 15:26 USDC-ORP

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

KIRBY BARKER,	)	
	)	Civil No. 07-1647-JO
Plaintiff,	)	
	)	
v.	)	
	)	
HARLEY LAPPIN, BOP Director,	)	ORDER TO DISMISS
et al.,	)	
	)	
Defendants.	)	

JONES, District Judge.

Currently pending before the court in this civil rights case is defendants' Motion to Dismiss Complaint as Moot (#57). In his recently filed response to this motion, plaintiff concedes his case is moot because he has been released from Bureau of Prison custody and transferred to the Oregon Department of Corrections. Accordingly, plaintiff agrees with defendants that this court lacks jurisdiction over his action. In addition, plaintiff requests that his \$350.00 filing fee be returned to him.

1 - ORDER TO DISMISS

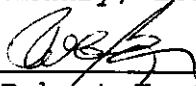
Based on the foregoing, this action is dismissed. Plaintiff's request for reimbursement of his filing fee is denied.

CONCLUSION

Plaintiff's action is DISMISSED and his request for reimbursement of his filing fee is DENIED.

IT IS SO ORDERED.

DATED this 12<sup>th</sup> day of January, 2010.

  
\_\_\_\_\_  
Robert E. Jones  
United States District Judge